

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE MATTER OF STEPHANIE
JANEL MARTIN,

Case No. [19-mc-80124-WHO](#)

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE**

Re: Dkt. No. 6

Plaintiff Stephanie Janel Martin has failed to address the deficiencies in her complaint that the Hon. Sallie Kim identified in the Order Screening Complaint Pursuant to 28 U.S.C. § 1915, and Martin did not respond to Judge Kim’s Referral for Reassignment and Report and Recommendation for Dismissal. [Dkt. Nos. 3, 6]. For the reasons set forth in those Orders, with which I agree in full, the complaint is dismissed with prejudice.

On May 10, 2019, Martin filed a “Final Notice of Bankruptcy and Insolvency and Probate Action” and a “Final Decree and Order” that are signed by Martin as “Chief Magistrate.” [Dkt. Nos. 1 and 2]. The filings appear to request documentation and information from both the state of California and the California Franchise Tax Board and purport to award Martin millions of dollars against the Franchise Tax Board for alleged failures related to her tax returns. Construing Martin’s filings liberally as a complaint, Judge Kim found that Martin had failed to state a valid claim for relief because she did not provide facts of any kind, specify what particular rights or laws were violated, identify particular defendants, or state how she was harmed. [Dkt. No. 3]. Martin was given until June 17, 2019, to amend her complaint and address the deficiencies identified. *Id.*

Martin never filed an amended complaint. Instead, on May 16, 2019 she filed a “Notice

1 Re: UCC Financing Statement” that purported to close this matter. [Dkt. No. 4]. Martin also
2 appended a form to the notice listing the “State of California, Office of Governor” and the “State
3 of California Franchise Tax Board” as debtors who together owe Martin 51 million dollars. *Id.*
4 On June 17, 2019, Martin filed an “Official Notice of Change of Venue” where she stated that this
5 court lacks jurisdiction and purported to vacate Judge Kim’s screening order. [Dkt. No. 5].

6 Because Martin has not consented to the jurisdiction of a magistrate judge, and
7 defendants have not been served and therefore have not made an election regarding the jurisdiction
8 of a magistrate judge, Judge Kim ordered the clerk of court to reassign this case to a district judge.
9 Referral for Reassignment and Report and Recommendation for Dismissal (“R&R Order”) [Dkt.
10 No. 6]. On June 21, 2019, this case was reassigned to me. [Dkt. No. 7]. As the time for
11 objections has passed and no objections have been filed, I now consider Judge Kim’s report and
12 recommendation pursuant to 28 U.S.C. § 1915.

13 Judge Kim held that Martin’s additional filings did not address any of the deficiencies
14 outlined in the screening order and that Martin did not provide facts of any kind, specify what
15 particular rights or laws were violated, identify particular defendants, or state how she has been
16 harmed. R&R Order at 3. Judge Kim found that Martin’s pleadings lacked an arguable basis in
17 both law and fact. *Id.* I agree.

18 Judge Kim recommends that I dismiss this case with prejudice because Martin has already
19 been given an opportunity to amend her pleadings to state a claim. *Id.* at 3-4. As the judge to
20 whom this case was assigned, I find Judge Kim’s report thorough and correct; I adopt it in every
21 respect. The complaint is dismissed with prejudice, and judgment shall be entered accordingly.

22 **IT IS SO ORDERED.**

23 Dated: August 5, 2019



William H. Orrick
United States District Judge